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# LETTER to a MEMBER Of the House of Commons,

*Concerning the Proceedings against the  
Bishop of St. David's.*

SIR,

**Y**OUR being surprized at the ways and methods taken and pursued against the forementioned Bishop, is but what I expected from a person of your knowledge and Integrity; and is agreeable to the zeal, which, under our various changes, and frequent alterations in the public Ministry, you have always express'd for the maintainance of our Legal properties and Liberties; and for the conservation of those ancient Boundaries and Forms, which have used to be observed, in the Judging and Deciding of Causes, whether Civil or Ecclesiastical.

And as you wisely foresee the fatal consequences, which will ensue upon a *Connivance* at *Innovations*, as well as at *Injustice*, in the exercise of Judicial Authority; so you may very justly be astonish'd, that any should be found bold enough to venture upon the one, or the tother, under the Reign of a Prince, Advanced and Establish'd, for the Retrial and Vindication of those Properties, Rights, Privileges and Customs, which were said to have been supplanted, invaded and violated.

Nor are you mistaken in thinking, that for any vested with a Power of Judicature to Act *Partially*, is of Alliance and Affinity to their Acting *Unjustly*. And whosoever is capable of doing it, proclaims his design to be the *Judging* of *Men*; and not *Causes*; and that instead of shewing an Indignation against Crimes, he intends the exercising of Pique and Revenge against particular Persons: Or that what he cannot, or hath not the courage to attempt the doing of in way of force and violence, he will by a perversion of Justice, endeavour to compass and accomplish, under the covert and umbrage of a Process, that shall be stiled Legal.

And whosoever compareth the *Cases* of the *Bishop* of *St. David's*, and of the *Bishop* of *St. Asaph* together, and considereth how much the *Latter*, under scandalous and flagrant offences, is the object of unpresidented forbearance and lenity; while the *Other* upon accusations less heinous, and in the esteem of many far from being evidently proved, hath been dealt with in an unexemplified manner of severity and vigour, will be tempted to believe, that Love and Hatred have a greater influence upon some People in the Execution of Judicial Power, than is fairly

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reconcilable to their Station and Character. Nor can the suspicion hereof, be supposed to proceed either from want of charity to the Person of the great *Metropolitan*, or from a want of esteem and veneration for those of the *Miser'd* order, it being so agreeable to the Sentiment, and plainly implied in the complaint and Censure of those of the *Lower-House* of *Convocation*, who notwithstanding the profound Dyfference, which they bear to the *Arch-Bishop* of *Canterbury*, do nevertheless take the liberty of Reflecting upon his Conduct and behaviour in that particular.

But whereas Sir, I do only intend the writing of a Letter, and not a Book, I shall therefore at present, neither inquire into the Justice, or Injustice of the *Arch-Bishop* of *Canterbury's* proceedings against the *Bishop* of *St. David's*; nor either meddle with the Merit or Demerit of that Cause; or Examine the Equity or Iniquity of the Sentence that was pronounced. For as none of these things fall under the design of the Commands, you have imposed upon me; nor are needful to be performed in my Obeying and fulfilling of them; so the Discouraging on those several Heads and particulars, with the strength and exactness that are requisite, doth not only claim more time and leisure, then I am willing to spare, and Challengeth a larger knowledge of Civil, Canon, Statute, and Common Laws, than I have the vanity of pretending to be possess'd of; but the performing of that Office of Justice to the *publick*, as well as to the *Bishop*, is devolved upon one, who is able to acquit himself in it, both to the Satisfaction of all that are previously unbiass'd, and to the fastning of Shame and Confusion upon the *Author* of the *Summary View* &c. If either his Constitution of Body, or Complexion of Mind, have made and left him Capable of Blushing and remorse, for the having been therein Guilty of Gross partiality, and of strange misrepresentations.

The whole therefore Sir, I will Charge my self with the laying before you, shall respect the *Legality* of the *Arch-Bishop's* Procedure in that Cause; and whether he hath not from first to last in the Management thereof, usurped an Authority and Jurisdiction, which neither our Laws have Vested in him, nor any former precedents do give Countenance unto. And as to be Informed in a matter of this moment and consequence, is what becometh a Gentleman of your Post and Character to desire; so I reckon that the giving you the best Satisfaction therein which I can, is no less incumbent upon me by vertue of the Duty I owe unto my Country, than it is due unto you upon the account of many obligations.

And indeed the great Concern and Zeal, which the Honourable House of Commons, (where your Learning and Integrity, have justly obtained your having the Trust and Confidence reposed in you, of being Chosen a Member for Representing one of the most renowned and best deserving Body's and Community of the Kingdom) hath Shew'd this Session, in their Endeavouring to preserve the Constitution; which some have not only been Clandestinely contriving to Undermine, but avowedly to Subvert, giveth me as well a firm belief, as a well grounded hope, that whatsoever shall be found to have the like tendency, will be judged worthy of being seriously thought off, and effectually provided against by that Assembly. And if my understanding doth not greatly deceive me, the proceeding against the *Bishop* of *St. David's*, if Enquired into, will with too much pregnancy of Evidence appear to be such,

In relation whereunto allow me briefly to intimate, that neither the *prejudices*, which many have Entertained against the said *Bishop*, upon motives especially that have been merely Political; nor the *good Opinion* which hath been commonly harbour'd of his *Metropolitan*; ought in the least either to divert you, from taking those proceedings into your Consideration; or to Influence your Debates and Resolves, when they come before you. Seeing whatsoever he be in other respects, who is the Original Usurper and Introducer of a new and unknown Jurisdiction; or of whatsoever reputation, the first Sufferer thro' the Exertion and Execution of it, may have been vulgarly accounted: Yet the Constitution is equally Invaded by the *former*, as if it had been done by a Person of worse Fame: and thro' the example of the Exercise of an Illegal and Arbitrary Power upon the *Latter*, others upon whose good Names no Slanderous Tongues have dared to fasten; will be render'd obnoxious to the mischievous and fatal Consequences of it. Nor is it very surprizing, and much less ought it to be thought Impossible, that he who in all those proceedings took upon him to be the alone and sole Judge, and to have been singly Cloathed with the Right of Judicature, should either thro' some defects in himself, especially in Relation to a matter for which neither his Education, nor his former Studies had well adapted him; or by reason of ill qualities in those that Influenced him; be misled and carried to Supplant and shake our Constitution; when *one* that was usually an *Assessor* unto and with him, tho' not a Judge, hath in a matter within his own Province, and which he was thought to have perfectly Studied, and to have been therein exactly and distinguishingly Conversant, so criminally miscarried and prevaricated, as in the opinion of our best and most Orthodox Divines, to have *Paraphrased* and Smugled away the *Doctrine* of the *Church of England*, under a pretence of *Paraphrasing* and *Expounding* the *39 Articles*.

And it may still give you the less astonishment, to have it suggested, that the *Arch Bishop of Canterbury*, hath Challenged and exercised a *Jurisdiction* over a *Subfragan Bishop*, which neither our own Laws, or Customs, nor the Canons of General or Provincial Councils, do allow unto him; if you do but vouchsafe to observe, to what measure and degree, he hath been endeavouring to *Extend* his *Authority* over the *Lower House of Convocation*, even to the Robbing them of the *Right of Adjourning* themselves; the depriving them whereof makes them cease to be either a distinct House, or a Legal Assembly; and rendreth them meet to be only accounted the Tools and Journeymen of those of the Superiour Order. Seeing he that can pretend to stretch his Jurisdiction thus arbitrarily, and to those unheard of Limits, over all the Representatives of the whole Clergy of his Province legally called and Assembled, as to make their Meeting and Sitting insignificant, as well as precarious, and that for no other reason hitherto known, but their appearing Concerned to Assert and Vindicate the Fundamental Doctrines of the Christian Religion, and the Established Articles of the Church of *England*, and to Mark out and Brand those who do either more hiddenly betray, or avowedly oppose them; which being lawful for our Universities in their respective Convocation Houles to do, is undubitably both a proper work for, and an indispensable, Duty incumbent upon the Clergy of a whole Province, when Assembled, as they now are, to Employ themselves about: I say, that he, who either from his own Inclination, or thro' the Impressions made upon him by others, can be hurried into the usurpation of this Illegimate and pernicious Jurisdiction,

dition, over the greatest Body of our Church Legally Convened, may very well be Supposed, both capable and forward to exceed the bounds of Law, in his prosecution of, and his Judicial Sentence upon a particular Bishop; especially One against whom his Grace, as well as several more of the Episcopal Order, were sufficiently provoked, by reason that in his Voting in the House of Lords, he seldom *Chimed* in with them in those things, wherein they thought their being in one Tune, and there upholding the Proverbial weight by falling into the same Scale, was to be held, not only for an Indication, but a Badge, of their Loyalty to his Majesty, and of what they have been used to stile their Zeal against Popery. Nor is it merely to prepare you to entertain with the less prepossession, what I am about to say concerning the Proceedings of the *Arch Bishop of Canterbury* against the *Bishop of St. David's*, that I have intimated unto you this new and unpresidented behaviour of his Grace towards the Lower House of Convocation; but that which I do hereby further aim at, is the awakening you as a Member of the House of Commons, to think of what dangerous Consequence the Connivance at this, may be to the whole Constitution of the Government; and what encouragement it may give elsewhere, to Encroachments and Invasions upon the Rights of other Legal Assemblies. For if I do not greatly mistake, it carrieth the shape and beareth the face of an Offence, which I shall not venture to Name, but for which your Honourable House may possibly find such a Title, as some of our great and presuming Clergy-men have been made to suffer under and upon heretofore.

But to come more directly and particularly to the *Case* of the *Bishop of St. David's*, of which you have required me to Give you my Sentiments and Opinion; in the performing thereof I am bound to tell you, that as it Brancheth it self into two different Heads, namely the *Excluding him totally and finally ab Officio*, and the *Depriving him* thereupon, and consequently thereunto a *Beneficio*; so I must add, that if I be not greatly mistaken, the whole Proceeding in reference to both, hath been *Coram non Judice*. For as none can Legally be a Judge in any Case whatsoever, save he who is Vested with a Jurisdiction, in Reference to that Case; so every Legal Jurisdiction, must be founded in, and Warranted by a Legal Authority, which both Cloatheth him with a Right and Power of Judicature, and fixeth and limiteth the Bounds according to which he is to Exercise it. Upon which permit me to say, that as it is to Claim what the Law hath not given, for any *Single* and *Individual* Metropolitan alone to assume the *Shutting out* and *Debarring* a *Suffragan Bishop ab Officio*, and that thro' a Defectiveness, Insufficiency, and Incompetency in his Authority, his attempting to do it, becomes Illegal, and his pretending to have done it, is rendred Invalid; so for any *Arch Bishop* to offer to *Depose* a *Bishop*, or for any *Bishop* to take upon him to *Depose* any of the *Inferiour Clergy* a *Beneficio*, otherwise than by the Verdict of a Jury on a Trial in our Courts of Common Law; is directly repugnant to the received and known Laws of the Land, and is an open Invasion upon the Right and Property of the Subject.

Sir, I do readily acknowledge, that there belongeth to an *Arch Bishop*, not only a Priority with respect to his *Comprovincials* but likewise a kind of *Superiority* over them, which being implied in his very Stile and Title, the *Suffragants* of his Province, do before their Consecration, promise Reverence and Obedience unto him; but we are not from that to infer his having an *Arbitrariou*s and *despoti-*



despotical Power over them, or that he hath a Right and Jurisdiction, of proceeding against them in any other way, than according to the known Laws, and in the Methods and Forms, by which former Metropolitans, have Regulated themselves, in the Exercise of their Archiepiscopal Authority. However by reason and in the virtue of the foremention'd Superiority, there do appertain to all Arch Bishops some Privileges and Prerogatives, within their several and Respective provinces, which none of their Suffragans are admitted directly, and upon the alone account of their Characters, to lay claim unto: As the Confirming the Election of Bishops; the Presiding in Convocations and Synods; and the Visiting the Diocesses of their Comprovincials; for the refusing to submit whereunto, we found that heretofore the Bishops of *Exeter* and *Salisbury* were Censured by Arch Bishop *Courtney*.

Nor can I deny, but that Bishops have sometimes been, and may again be guilty of such Offences, Misdemeanours and Crimes, as that it will be needful they should be Ecclesiastically rebuked and chastised, and that it may come to be the indispensable Duty of their Metropolitan, to proceed Judicially against them; provided always that he do it in the way and method, that the Laws of the Land do allow, and in which the Discipline of the Christian Church hath been Executed.

And here I am oblig'd to tell you, that the greatest loss and defect which the Church of *England* continueth under since the Reformation, is that we have not by Statutes and Acts of Parliament, so clearly and sufficiently provided for the Cognizance and Judicature of diverse Ecclesiastical Cases, and for Animadversion upon Spiritual Offences, and for the Deciding and Adjudging of and concerning them, as could be wished, and seems to be expedient. For as I take it to be uncontroversially true, that all Ecclesiastical Jurisdiction, was by the *Common Law* lodged anciently in the Crown, and that all Bishops and Spiritual Persons, derived their Jurisdiction from thence; so the whole that was done at the Reformation, in reference to the Exercise of Ecclesiastical Authority and Discipline, was the Rescuing and Vindicating of the State and Church, from Papal Invasions and Usurpations, and the Restoring to the Crown, the Ancient Jurisdiction over the Estate, Ecclesiastical and Spiritual, and the Abolishing of all Foreign Jurisdiction repugnant to the same; but without fully and distinctly providing and enacting, how the said restored Jurisdiction, should come to be Executed, in all those Cases, that might arise, and come to be emergent. And by what appears, all the Statutes which have been made since, in reference to matters, which fall within the circle of Ecclesiastical Animadversion and Authority, do stand chiefly, if not only, circumscribed and confined to Causes that are Testamentary, Matrimonial, or about Tythes.

'Tis true, nor do I pretend to deny it, that by an Act of the 1. *Eliz.* there was a Power given to the Crown for the appointing Commissioners to exercise the Ecclesiastical Jurisdiction, and that in pursuance and by Vertue thereof, a *High Commission Court* was by that Queen Set up and Erected, in and by which, all Causes Spiritual and Ecclesiastical, were heard and decided untill the 17. *Ch. 1.* But suffer me withall to add, that by a Statute made and Enacted in that Year, *The said Court*, was not only totally and finally Abolished, and the Clause of the Act 1 *Eliz.* upon which it had been founded and Established, was Repealed, Annulled, Revoked, Annihilated, and utterly made void for ever, but that it was also in the same Statute further provided and Enacted, that no such Court should be again Erected, Ordained, or Appointed; and that no such Power, Jurisdiction, or Authority,

as that Court had, or pretended to have, should ever for the future be Granted or Delegated by the Crown to any person or persons whatsoever.

And whereas it may be said, that there was an Act made in the 13. Ch. 2. for explanation of a Clause contained in the Act of the 17. Ch. 1. about the Repeal of a Branch in the Statute *primo Elizabethæ* concerning Commissioners for Causes Ecclesiastical; permit me to tell you, that the whole thereby ordained and declared, is only that nothing in the Act of the 17. Ch. 1. shall take away any ordinary Power or Authority from Arch-Bishops, Bishops, or any other Person or Persons exercising Ecclesiastical Jurisdiction; but that they may exercise all manner of Ecclesiastical Jurisdiction, in all Causes and Matters belonging to Ecclesiastical Jurisdiction, according to the King's Majesties Ecclesiastical Laws, used and practised in this Realm, as they did and might Lawfully have done before the making of the said Act of the 17. Ch. 1. And withall further providing by the same Statute, that the said Act of the 13. Ch. 2. or any thing therein contained, shall not Extend, nor be constru'd to extend, to give unto any Arch-Bishop, Bishop, &c. any Power or Authority to Exercise, Execute, Inflict, or Determine any Ecclesiastical Jurisdiction, Censure, or Correction, which they might not by Law have done before the Year of our Lord 1639.

But being notwithstanding of the foremention'd Act, left altogether in the dark, both with respect to the Extent of the Power and Jurisdiction which belonged to Arch-Bishops and Bishops, and with reference to the Ways, Forms, and Methods, in and according to which they did, or were to Execute their Ecclesiastical Authority before the Year 1639. the only mean therefore, so far as I know, that remaineth whereby we must seek to be enlightned and informed in this matter, is to have recourse to the Statute of the 25. Hen. 8. cap. 19. Where after a Power given to the King to constitute a Commission of Thirty two Persons, who should Search, Order and Determine such a Reformation of the Ecclesiastical Law, as should be laid before the King in Parliament for Approbation, there is a Proviso added, that untill that was done, which hath never been, All Canons, Constitutions, Ordinances, and Synodals Provincial already made, and not contrariant to the Laws, Statutes, and Customs of this Realm, nor to the damage or hurt of the King's Prerogative Royal, should be used and executed as heretofore.

So that in order to the being convinced of the Illegality, and Arbitrariness of the Arch-Bishop of Caerbury's assuming to himself the sole and alone Jurisdiction and Authority, of Deposing and Decluding the Bishop of St. David's *ab Officio*, we need only under the shelter and warranty of the aforesaid Proviso, to consider and examine whether such a Power be allowed unto him, either by the Canons of the Universal Church, or by the Constitutions, Ordinances and Practices of our own. And here I do presume to tell you with more positiveness, and with a greater air of assurance, than I dare have the confidence of pretending unto, and using in Questions which are doubtful and problematical, that all Councils both General and Provincial, and likewise the Universal Practice of the Church of England, are directly inconsistent with, and repugnant to the Claim and Exercise of such a Jurisdiction. Nor hath any Single Metropolitan, unless one branded in History for Tyranny and Usurpation, ever had the effrontery to challenge the having a Power vested in him by Ecclesiastical Canons, for Depriving, by his own alone Jurisdiction, a Suffragan and Comprovincial *ab Officio*. Neither is there any one thing whatsoever, wherein the Testimonies of all Ecclesiastical

astical and Historical Writers do more symphonize and agree, than that primitively and in the best Ages, no Bishop could, or used to be deposed from his Office, or degraded from his Rank and Station in the Episcopal Dignity and Order, save by the sentence of his *Metropolitan*, acting in conjunction and concert therein with all the Bishops of his Province. And an Arch-Bishop having no more Power vested in him by his Consecration, for the Deposing of a Bishop, than the rest of his suffragans have, and the Episcopal right of doing it, being Originally seated in each of them, as well as in him, it was therefore Primitively provided and ordained, that it should always be executed Synodically by the Metropolitan in conjunction with his Comprovincials. Nor hath any one *Canon* of the Church, or even Law of the State, ever appropriated this Juridical and Executory Power to a single *Metropolitan*. Yea in after Ages, when thro' the Ambition of some who had been elevated and exalted to Metropolitical Honour and Authority, and thro' the pusillanimity, sycophancy, and servileness of too many called and dignified to be Bishops, the original Ecclesiastical Government came to be broken in upon and alter'd, and the first Rules that had been Established for the exercise of Discipline in the Church, grew less attended unto, and became gradually Related; yet even then, no one and alone Metropolitan, presumed to take upon him the Right and Power of Deposing a Comprovincial, without a considerable number of Suffragan Bishops joined with him, both in the whole Juridical procedure, and in the Authoritative pronouncing of Sentence, and that not merely as his Assessors, but as being themselves vested with Jurisdiction. Nor is it unworthy of remark, that when fewer (than all the Bishops of a Province Synodically assembled with their Metropolitan) as most usually Twelve, and at the least Seven, as *Peter de Marca* observeth, were admitted to be a sufficient Number for Deposing a Bishop, yet *nimia necessitas* was in those cases made the common plea and excuse for it, as may be seen in the *African Canon*.

Sir, as the brevity, to which in a Letter I am obliged to confine my self, will not allow me to call over, and to give the Detale of the *Canons*, either of General, or of Provincial Councils, made and Decreed to the purpose I have mention'd, and much less to produce and repeat the Testimonies, of Theological, Ecclesiastical, and Historical writers, who do all concur in Declaring what I have asserted; so I may very well reckon my self discharged from that undertaking, by referring you to the sincere and impartial account given thereof, in Letter to a Peer, concerning the Power of Metropolitans over their Comprovincial Bishops. Which tho' snarled at in the *Postscript* to the *Summary View* &c. Yet I will be bold to say is so far from being Answer'd, that whosoever compareth the *one* Discourse with the *tother* will find reason to think the Cause pleaded for in the *former*, to be much strengthened, instead of being any ways weakened by the impertinent Reflections, and the imperfect and prevaricating Reply of the *latter*. For as they are but a very few Citations and Authorities, out of many, that he at all pretendeth to give any Answer unto; so the Answers he vouchsafeth to give unto those, do either betray gross Ignorance accompanied with a strange superciliousness, which do not unfrequently meet and centre in one and the same Person; or else they proclaim it to be his belief, that because the Church of England is Subject to no foreign Jurisdiction, she is therefore acquitted from observing those Rules, which all the Christian Churches of the World, have in the best and purest times Guided themselves by, in the Exercise of Ecclesiastical and Spiritual Discipline.

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And should it be allowed him, that the *Canons* vulgarly stiled *Apostolical*, were not the Constitutions and Ordinances of those, whose venerable Names they bear; yet this doth neither Impeach their being very Ancient; nor infringe their competency and validity, for conveying unto us the Regulations and Measures by which the Church was govern'd in the most primitive and uncorrupt Ages. And should we also Grant, that some Councils and Synods whose Canons are quoted in the *Letter to a Peer*, have grossly Erred in diverse Articles of the Christian Faith; yet that doth not unqualify and disable them from handing down to us matters of Fact, and from transmitting unto us a true and faithful account of the Disciplinary Laws, which were then Universally owned and observed. And the most material Exceptions made by the Author of the *View* against the *Letter*, being advanced and built upon, those weak and foolish pretences, doth both shew their insignificancy with respect to the End for which they were brought, and discovereth the folly of him, who could insist upon such Trifles that are wholly alien to the Controversy.

And therefore to superceed at present the further Chastising of that puny and 'Scurrilous, tho' daring and assuming Writer, I shall here subjoyn a further Evidence, of the Consent and Practise of the whole ancient Church, as to the method and manner of Deposing a Bishop, which tho' mention'd in the *Letter to a Peer*, yet the Author of the *View* thought it his interest to take no Notice of it; namely that *Gregory* the 9th. commonly called *Hildebrand*, who Sate in the Roman Chair since the tenth Century, and stands Recorded in all Histories as an Usurper and Tyrant in Church and State, was the first Bishop either in that *See* or in the *Christian World*, who assumed the Right of Deposing a Bishop by his own single Authority, and not Synodically. Nor will it hereafter appear for the Credit of the present *Arch Bishop of Canterbury*, that he should have singled out that Pope, as his Patern and President to imitate, rather than to follow the example, not only of ancient and late *Metropolitans*, but of the very *Popes* who preceeded the forementioned *Gregory*. And should his *Grace* persevere in claiming this Jurisdiction over his Comprovincials, which he hath Exerted in the *Deposition* of the *Bishop of St. David's*, I would hope that neither the House of Lords, nor the House of Commons, will long continue silently and tamely to connive at it. Least that the acknowledging one at home to be vested with this Authority, prove in the Issue and consequence of it, as pernicious and fatal to Church and State, as our having formerly permitted some abroad to bring in Usurpations upon us, is known to have been. For as I cannot prevail upon my self to approve the *Stile* given him in the House of Peers, by one who was his Assessor in the proceedings against the *Bishop of St. David's*, of his being *Legatus Natus*, that importing a foreign Dependence, and an Authority derived from abroad; so I would be loath to see him own'd to be lawfully possess'd of the Power and Authority, which he hath both Challenged and Executed, in Deposing a Comprovincial by vertue of a Jurisdictional Right originally Stated in himself. Seeing in my Opinion, it is much more dangerous to have a Pope so near us as *Lambeth*, than it would be to have One at *Rome* which is further off. Whereunto permit me to add, that the Challenging a Jurisdiction of Deposing a Bishop, otherwise than Synodically, hath been at all times, and every where, look't upon, as a matter of that pernicious consequence to the Church, that not only the *Council of Trent*, ( tho' the *Popes* Vassals, and said to have the Holy Ghost, for the Guiding of them in their Decrees, sent from *Rome* in



a Cloak-bagg) endeavour'd to provide against it in *three* several *Canons*, as was observed by the *Author of the Letter to the Peer*; but that when the late *Cardinal Richieu*, upon a suspicion that some *Bishops* were imarking in *Treasonable Practices*, had obtained a special *Commission* from *Pope Urban the 8th*, for to Empower *two or three Bishops* with a *Jurisdiction* of *Deposing* them, and which the said *Cardinal* got to be accordingly *Executed*; how that the *French Clergy* Remonstrated against it, as a *Violation of the Gallican Liberties*, and a *Subversion of the ancient Canons*, which *Prohibit* the *Deposing* a *Bishop*, unless by and with his *Comprovincials Synodically Assembled*. And the whole which I find pleaded in the *Justification* of their *Deposition*, is that it was done for the *preservation and Safety of the Crown*. The *serity* whereof, as it could in that *French Instance*, by the *Laws of France*, and the ordinary *Methods*, in which *Justice* is there *Administred*, have been otherwaies provided for; so there was nothing in the *Case of the Bishop of St. David's*, which bore the least *Alliance or affinity* that *Crime*, upon which he could be supposed to have *demerited*, the being so *illegally*, and *Arbitrarily* dealt with, as he was.

But that I may conclude this *Head*, give me leave to assure you, that the *Universal and Uniform method* of proceeding here in *England* in the *Deposition* of a *Bishop* from his *Office and Order*, hath been to have it alwaies brought before, and transacted either in the *high Commission Court*; or in a *Convocation*, in which all the *Comprovincials of the Diocese* being *Assembled*, did *Sit and Act Juridically*. So that *Arch-Bishop Laud*, who knew the *Extent of the Metropolitcal Power*, as well as any before him, or since ever did, and who had as much *Courage*, as any Man whosoever, to *Exert*, it yet when the *Bishop of Lincoln* was to be proceeded against, had the *Cause* brought into the *High Commission Court*, and when he found it needful that the *Bishop of Gloucester* should be *Ecclesiastically Arraigned and Judged*, he brought him before the *Convocation*, where he was *judicially* *Convicted and Sentenced*. For as was *Declared* in a *Council* held at *London Ann. 1175* that the reason why *Councils are Conven'd* is, that they who have the *chief Pastoral Care*, may *punish Offences and Crimes* upon *advice given by Common Consent*. So *Dr. Burnet* positively asserts in his *Hist. Reformation*. Vol. 2. Cap. p. 391. that no *Bishop* can be *Deposed or Thrust from his Order*, unless it be done by a *Synod of Bishops*. But how far he may therein differ from the *Judgment* of the present *Bishop of Salisbury*, I do leave others to inquire. Tho' I cannot forbear observing, how greatly the foremention'd *Dr.* and the said *Bishop*, are of contrary *Sentiments* to one another in a very considerable and momentous *Cause*. Namely that whereas the *Doctor* was the *Declaiming Satyrst* and the *Theological Inveigher* against the *French King*, because of his having *Ordained*, that *Children* should in their *Minority*, be forced and taken away from their *Protestant Parents*, in order to be *Popishly Educated*; yet the *Bishop of Salisbury* doth avow himself the *Advocate and Partizan* for the *Introduction* and *passing of a Bill* in the *House of Lords*, to *Authorize* the forcing and *snatching away of Infants* from a *Father*, because of his being a *Roman Catholick*, that they may be *Bred* in the *Reformed Religion*. Tho' the chief motive unto it, is thought by some to be his gratifying of the *Mother*, in the having *Converted* of whom, he seems to value and put an estimate upon himself, notwithstanding that there are those who believe, he will rather gain *Infamy*, than *Reputation* by it. And seeing all *People*, who are *Morally and Conscientiously honest* and

Sincere, as I doubt not but that many *Mahometans* as well as *Papists*, often are, do equally Believe themselves in the right, whatsoever their Religion be; and therefore that the *Orthodoxy* of the *Church of England*, compared with the *Heterodoxy* of those of the *Papal*, and particularly of them of the *French* Communion, doth not make the proceeding in that manner, more Legitimate and defensible in us, than it is lawful and Justifiable in them, whom the forementioned *Doctor*, hath upon that account so severely Censured and Condemned; I am therefore the more surprized, to find that a Practice in *France*, so justly stigmatized by the *Doctor* for Anti-Christian, Inhumane and Barbarous, should be proposed, pursued, and Vindicated by the *Bishop of Salisbury* as a Gospel Method, of bringing into, and of Breeding Members in the Faith and Worship of the *Church of England*. For as the Forming Profelites in that manner, is altogether inconsistent with the Christian Doctrine, and repugnant to the ways and means directed and prescribed by our Lord *Jesus* for the Gaining of Converts; so it is no less in us than it was in the *French* a breaking in upon and a violation of the Laws of Nature, and a subversion of the ground of the most unalterable Relation, and original Society, only with this aggravation of dishonour and Guilt on our part more than on theirs, that it is the doing that which our Church Condemneth, and which theirs doth not. Nor can I think that to be a laudable way of making Protestants of any Reformed Fellowship whatsoever, which hath been the Method practiced in the Forming *Mammalukes* and *Janizaries*.

Now to all that I have said concerning the procedure against the *Bishop of St. David's*, let me finally add, that as their would have been no need for the Erection of a *High Commission Court* *primo Eliz.* had such an Authority and Jurisdiction, as were lately Exercised, been thought originally and rightfully Seated in a *Single Metropolitan*; seeing it would at no Time have been a matter of great difficulty, to get such *Ecclesiastical persons* placed in the *Arch-Episcopal Sees*, as would have no less answer'd the designs of those on the Throne, than that Court, upon whatsoever prospect Established, was made Instrumental in doing; so both the Credit and the Settlement of Bishops in their Function and Order, are left very precarious, if the Power of Deposing them, shall be held Vested in a single Metropolitan; in that it is not impossible, but that he who sometimes is so, may have his little Piques and Revenges, and withal be none of the wisest or discreetest men in the world.

And with this I shut up what I had to lay before you concerning the *first Head* and particular, which was that of *Deposing* the *Bishop of St. David's ab Officio*, the whole proceeding wherein, and Transaction whereof, will I hope hereby appear to have been *Coram non Judice*. And as to the *2d. Particular*, which is his being thereupon *Turn'd out* of his *Temporalities*, and from his *Right of Sitting* in the *House of Lords*, whereunto he had a Title *per Servitium Baronie*. I will not make any further Entrance upon it at present, save only to tell you, that as all the Clergy, both Higher, and Lower, have the same Legal Right unto, and an Equal Security by our Laws in their *Temporalities*, which they of the *Laiety* have in theirs; with this only difference, that whereas the Estates of the latter may be *Hereditary*, and usually are so; those of the former, thro' being merely *Ecclesiastical Provisions*, Settled upon them in way of Recompence and Reward for the exercise and discharge of their Spiritual Offices and Functions, are therefore only Temporary, and during the Lives of those Endowed in; and possessed of them. Accordingly we have it expressly Enacted *Ano. 14 Edwardi.*

cap. 6. for the protecting the Clergy, from Incurring any Penalties for not doing whatsoever they are bid to do, *that for the future we Will and Grant for Us and our Heirs that from thenceforth We, nor our Heirs shall not Take, nor Cause to be Taken into our Hands the Temporalities of Arch-Bishops, Bishops, nor other People of Holy Church of what Estate or Condition they be, without a just and True Cause according to the Laws of the Land and Judgment thereupon Given.* So that as no Laick can be disseized and dispossessed of his Freehold or Inheritance, unless upon a Trial at Common Law, and by the Verdict of a Jury; no more can the Temporalities of any of the Clergy, be Seized by our Kings, or by any of their Ministers, without a previous Legal Process in the Courts of Civil Judicature, for some Offence, Contempt, or Crime, for which by Law on the Verdict of a Jury, they are made liable to Seizure. But instead of pursuing this matter now any further, I must begg the liberty of adjourning what I have to Represent on that Head, until I do my self the honour of writing to you again, and of giving you a further Testimony how much I am

S I R,

Your most Obedient Servant,